

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-467-RJC-DCK**

J&J SPORTS PRODUCTIONS, INC.,

Plaintiff,

vs.

**JOSE GUALBERTO TEJADA, doing
business as EL GAVILAN and
LOURDES, INC., doing business as
EL GAVILAN,**

Defendants.

ORDER

THIS MATTER comes before the Court sua sponte. Plaintiff filed its Complaint on July 28, 2012. (Doc. No. 1). The case docket reflects that a summons was issued by the Clerk of the Court on July 31, 2012 for service of the Complaint on Defendants. (Doc. No. 3). However, the docket contains neither (1) a return of summons or proof of service of the Complaint on Defendant nor (2) an executed waiver of service by Defendant. Federal Rule of Civil Procedure 4(m) provides as follows:

If a defendant is not served within 120 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Plaintiff had until November 26, 2012 to serve its Complaint on Defendants. The time has now expired. Plaintiff is hereby warned that if it does not serve the Complaint on Defendants and provide this Court with proof of service within 14 days, this case will be DISMISSED.

IT IS, THEREFORE, ORDERED that Plaintiff shall serve the Complaint on Defendants and provide this Court with proof of service within 14 days. **FAILURE TO**

**PROVIDE THE COURT WITH PROOF OF SERVICE WITHIN 14 DAYS WILL
RESULT IN DISMISSAL OF ALL CLAIMS AGAINST DEFENDANTS.**

Signed: December 7, 2012

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

